

17698 U.S. PTO
032404

PATENT

DOCKET # SUR-003

Commissioner of Patents and Trademarks
Washington, D.C. 20231

19270 U.S. PTO
10/807585
032404

NEW APPLICANT TRANSMITTAL

Transmitted herewith for filing is the patent application

1. TYPE OF APPLICATION

This new application is for an Original.

2. PAPERS ENCLOSED WHICH ARE REQUIRED FOR FILING DATE UNDER 37 CFR 1.153 (DESIGN) APPLICATIONS

| | |
|-----------|------------------------|
| <u>20</u> | Pages of Specification |
| <u>4</u> | Pages of Claims |
| <u>1</u> | Pages of Abstract |
| <u>0</u> | Sheets of Drawing |

3. ADDITIONAL PAPERS ENCLOSED

☒ Information Disclosure Statement
☒ Small Entity Declaration 37 CFR 1.9(c)
☐ Other

4. DECLARATION OR OATH

Enclosed executed by the inventor(s).

5. INVENTORSHIP STATEMENT

The inventorship for all the claims are the same.

6. LANGUAGE

☒ English

7. ASSIGNMENT

None

8. FEE CALCULATION

A. ☒ Regular application

| CLAIMS AS FILED | | | |
|-------------------------------------|--------------|------|------------------------|
| NUMBER FILED | NUMBER EXTRA | RATE | BASIC FEE \$ 790.00 |
| TOTAL CLAIMS | -20= | X | \$22.00 |
| INDEPENDENT CLAIMS | -3= | X | \$82.00 |
| MULTIPLE DEPENDENT CLAIM(S), IF ANY | | | \$270.00 |

FILING FEE CALCULATION \$ _____

9. SMALL ENTITY STATEMENT

☒ Verified Statement that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is attached.

Filing Fee Calculation (50% of A or B above) \$ 385.00

10. FEE PAYMENT BEING MADE AT THIS TIME

☒ ENCLOSED TOTAL FEES ENCLOSED \$ 385.00

11. METHOD OF PAYMENT FEES

☒ CHECK IN THE AMOUNT OF \$ 385.00

12. INSTRUCTION AS TO OVERPAYING

☒ REFUND

TEL. NO. (678) 442-0210

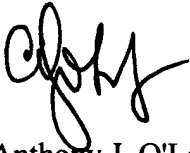
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☒ This transmittal ends with this page.

Discussion Under Rule 98

U.S. Patent 6,331,293 issued December 18, 2001 to Smith et al describes phosphobetaines that are derived from dimer acid. Unlike the compounds of the present invention, these materials are amphoteric surfactants and are barriers when applied to the skin. It is stated that the compounds are "extremely substantitive to human skin and are well tolerated by human tissue making them suitable for use preparation of barrier products for personal care applications". Unlike these materials, the compounds of the present invention are not amphoterics, but are quats, are not barriers but are conditioning agents that do not build up on the hair or skin.

Respectfully submitted;



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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

O'Lenick

Title

DIMER AMINOACRYL DIMETHYL POLYQUATERNARY

Atty Docket Number

SUR 003

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

3/22/04

Date



Signature

A.J. O'Lenick

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.